

**REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 2-9, 17 and 18 are pending in the present application. Claims 1 and 10-16 have been cancelled. Claims 2-5 have been amended. Claims 17 and 18 have been added. Claims 3, 4 and 5 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

**Election of Species**

Applicant reserves the right to file a divisional application on the Species II illustrated in Figures 10-16, having claims 10-16 directed to this species.

**Claim for Priority**

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

**Drawings**

On March 31, 2003, Applicant filed a Drawing Correction Authorization Request. To date, however, the Examiner has not approved of the proposed drawing corrections. Accordingly, it is respectfully requested that the Examiner provide an indication of approval in the next communication so that the drawing changes may be implemented into formal drawings and promptly filed in the U. S. Patent and Trademark Office.

**Acknowledgment of Information Disclosure Statement**

The Examiner has acknowledged the Information Disclosure Statement filed on February 7, 2002. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

**Allowable Subject Matter**

Applicant acknowledges the Examiner's indication that claims 3-9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 4 and 5 have been rewritten in independent form to include all of the limitations of base claim 1. Claim 1 has been canceled. Additionally, claim 2 has been

amended to depend on allowable claim 3. Accordingly, amended independent claims 3, 4 and 5 and the respective dependent claims are now allowable.

#### **New Claims**

New claims 17 and 18 have been added. These dependent claims are similar in scope to claim 2 but depend from allowable independent claims 4 and 5, respectively. Accordingly, it is submitted that these claims are allowable as well.

#### **Title of the Invention**

The title of the invention has been amended to read:

"CATV TUNER FOR HIGH SPEED DATA COMMUNICATION UTILIZING A DIFFERENT FREQUENCY BAND".

#### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

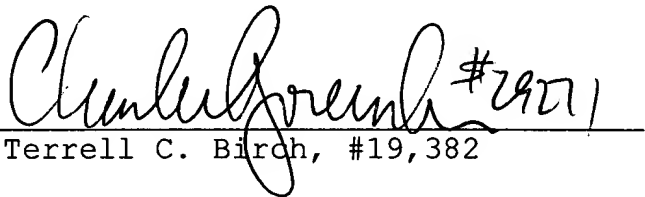
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Daniel K. Dorsey (Reg. No. 32,520), at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #29071  
Terrell C. Birch, #19,382

TCB/DKD/slb  
0020-4933P  
DKD

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000